IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal '(Ld) No. 326 of 2007

Ferani Hotels Pvt.Ltd. ..Appellant

vs.

1.Suresh Lachhmandas Raheja
and others ..Respondents

Mr.Haresh Salve with Mr.D.J.Khambatta and Mr.Rusi Mody, Ms.Meenakshi Grover, and Ms.Ruby Ahuja i/b Amarchand Mangaldas and S.A.Shroff and Co. for appellants.
Mr.I.M.Chagla,Mr.Virag Tulzapurkar, Sr.Counsel, Mr.Ketan Parikh, Mr.Lynn Pereira i/b Kanga andCo. for respondent no.1.
Mr.Janak Dwarkadas i/b M/s Mahimtura andCo. for respondent no.2.
Ms.Bindi Dave i/b Wadia Ghandy for respondent no.5.

CORAM: SWATANTER KUMAR C.J.
& S.R.SATHE J.
3rd April, 2007

P.C.

1. Admit.

2. Liberty to the respondents to file documents, if any, within one week from today. We make it clear that no party will be permitted to file any additional document or pleadings. The appeal shall be heard strictly on the basis of the pleadings before the learned single Judge.

3. Shri Salve argues that the impugned order should be stayed. We shall consider it at appropriate time. There will be no order of stay at this stage as we propose to

list the appeal for final hearing itself. Let the appeal be listed on 26th and 27th April, 2007.

4. In the mean while, Shri Phiroze Colabawalla, Advocate having his address at Mulla House, 2nd floor, 51, M.G.Road, Fort, Mumbai 400 023 who is now appointed as Commissioner by consent of the parties, shall visit the property in question along with the RCC consultant within a period of one week from today, if it is possible for him to do so and only make a report, a copy of which shall be furnished to the learned Counsel appearing for the parties who may file objections thereto, if any, within a period of one week thereafter. We further make it clear that no party shall use the said report for any purpose as the matter is subjudice and we restrain the parties to make use of the said report for making comments with regard to the quality or making any complaint to any competent authority. The Commissioner and RCC consultant shall work independently without the aid of any of the parties. In the peculiar facts and circumstances of the case we direct dispensation of filing of the paper book. Notice to other side is waived.

(SWATANTER KUMAR C.J.)

(S.R.SATHE J.)